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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,928

07/23/2007

Ralf Pfannkuchen

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32692 7590 12/12/2008
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EXAMINER

LEVI, DAMEON E

ART UNIT

PAPER NUMBER

2841

NOTIFICATION DATE

DELIVERY MODE

12/12/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
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Office Action Summary	Application No. 10/598,928	Applicant(s) PFANNKUCHEN ET AL.	
	Examiner DAMEON E. LEVI	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/14/2006(NEW APP).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/03/2007, 01/04/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shelden US Patent 3549950.

Regarding claim 1, Shelden discloses an assembly comprising:

the carrier having a generally open, frame-like structure with at least three substantially parallel bars(elements 36,46, Figs 1-5) arranged in at least two planes, the bars being maintained in a fixed relationship to each other, and at least one of the bars being adapted to mount telecommunications modules thereon.

Additionally regarding claim 1, the recitation that an element is “adapted to” perform a function is not a positive limitation, and, only requires the ability to so perform. In this case, the prior art of record is construed by the Office as at least possessing such ability.

Regarding claim 2, Shelden discloses wherein the carrier comprises at least four substantially parallel bars defining, as seen in a cross-section, a rectangular structure(elements 36,46, Figs 1-5).

Regarding claim 3, Shelden discloses wherein the bars have a profiled cross-section(elements 36,46, Figs 1-5).

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Regarding claim 4, Shelden discloses wherein the bars are connected by plates(elements 16, Figs 1-5).

Regarding claim 5, Shelden discloses wherein the carrier further comprises at least one adapter (elements 56, Figs 1-5)which is attachable to a bar and adapted to mount the telecommunications modules thereon.

Regarding claim 6, Shelden discloses wherein the adapter is attachable to a bar by being slid into a profiled section of the bar(elements 56, Figs 1-5).

Regarding claim 7, Shelden discloses further comprising at least one printed circuit board(elements 10, Figs 1-5).

Regarding claim 8, Shelden discloses further comprising at least one guiding element(elements 64, Figs 1-5) attachable to at least one bar.

Regarding claim 9, Shelden discloses wherein the guiding element is adapted to guide a printed circuit board(elements 64, Figs 1-5).

Additionally regarding claim 9, the recitation that an element is “adapted to” perform a function is not a positive limitation, and, only requires the ability to so perform. In this case, the prior art of record is construed by the Office as at least possessing such ability.

Regarding claim 10, Shelden discloses wherein the guiding element is adapted to guide a wire guide(elements 64, Figs 1-5).

Additionally regarding claim 10, the recitation that an element is “adapted to” perform a function is not a positive limitation, and, only requires the ability to so perform. In this

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case, the prior art of record is construed by the Office as at least possessing such ability.

Regarding claim 11, Shelden discloses wherein the guiding element is adapted to guide a printed circuit board and one or more cables in parallel directions(elements 64, Figs 1-5).

Additionally regarding claim 11, the recitation that an element is “adapted to” perform a function is not a positive limitation, and, only requires the ability to so perform. In this case, the prior art of record is construed by the Office as at least possessing such ability.

Regarding claim 12, Shelden discloses wherein the guiding element comprises at least one opening(elements 64, Figs 1-5).

Regarding claim 13, Shelden discloses further comprising at least one wire guide(elements 63, Figs 1-5).

Regarding claim 14, Shelden discloses at least one telecommunications module(elements 12, Figs 1-5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Dean Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dameon E Levi
Primary Examiner
Art Unit 2841

/Dameon E Levi/
Primary Examiner, Art Unit 2841

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